

Previous references

1909
(Edu)

File No 76-09
Serial Nos 164

Later references

Edn 219-6 (1+2)

" " (3+4)

" 99-10 (1-5)

Edn 449-1386 1-2

Edn 718-82 1

PB 134 18 Sh 165

GENERAL AND REVENUE SECRETARIAT

Serial Nos 164

Part B for Sept 1909

SUBJECT

Leave to Mr Denham and acting arrangements and the question of his pension

From Mr J Wier, Principal, Maharaja's College, Do D 479
Requests information re (1) how soon Mr Denham can take leave with a view to retire at 55 with 19 years' qualifying service, (2) what his pension would be under the M S R, & (3) what it would be under the British Rules

- 2 From the I & of Edn no 2464 of 299 submits an application for leave on behalf of Mr Denham
- 3 To the compiler, Mysore Gazette no 2302 of 259, notified the grant of furlough for 9 months from 25-9 to Mr Denham and the appointment of Mr C R Reddy to the

FRS 11]

1909-10

GENERAL AND REVENUE SECRETARIAL

(Education)

NOTES

File No 76-09

FILE HEADING

Leave to Mr. T. Denham and actg arrangements and the question of his pension

From

Mr. J. Wren, Principal, Maharaja's College

No

D.O

Dated

4/7/09

Received

Diary No

Enclos

Spate Copies

Serial No

BRIEF ABSTRACT OF LETTER

NOTES AND ORDERS

Notes—first sheet

GPB—0000—3407

2

Serial
No

24/7/09
DO letter from Mr W. C. - Publ. Math
College Mysore -

Requesting information on
(1) how soon Mr Denham can
take leave (fully) with a view to
returning at 55 with 19 yrs qualifying
service (2) what would be his
pension under the M S R & (3)
what would be his pension under
the British Rules -

D.T.O

Serial
No

- (1) Born on 23 4-1856
Entered Madras Service on 31 10 1890
Entered Mysore Service on 1 3 1895
Age on 31 10-1890, 34 years, 6 months & 8 days
Age on 1 3-1895, 38 years, 10 months & 9 days

Assuming that ^{Mr} Denham retires on
the date of Superannuation, (23 4 1911)

- (1) His total service
including periods
of leave will be
- | | | |
|-------|----|------|
| Years | in | days |
| 16 | 1 | 22 |

- (2) His service including
only time spent on
duty or on ^{leave} ~~leave~~
leave will be
- | | | | |
|---|----|----|----|
| N | 12 | 11 | 14 |
|---|----|----|----|

- (3) The periods of furlough
taken by him are as
follows -

2 " 26 6 1901 to 7 " 2

26 11 1902 = 1 5 1

From 16 7-1909

to date of

Superannuation

(according to Mr Denham's
letter)

1 9 7 (" 5)

M Total 3 2 8

" 17

Serial
No

Of - M only one year can be added
1- M and the total service qualifying
for pension is 13 years, 11 months + 14 days
To this service has to be added 3 years
according to the promise made in 80
By 2-1894 The total service
to be taken for calculating pension
is therefore 16 years, 11 months + 14 days

Mr Denham was over 38
years old when he entered
the Mysore Service & his pension
shd be reduced under art 341(a)
by 9/40 The pension strictly
admissible under the rules, per
annum is therefore,

$$\text{Rs } \left(\frac{31}{40} \times \frac{16}{60} \times 1000 \times 12 \right) = \text{Rs } 2480$$

or £ 217 at
18th of the rupee

If Mr Denham's age at
the time of his entry into the
Mysore Service is taken his
pension is subject to a reduction
only 5/40, the amount per
annum will be,

$$\text{Rs } \left(\frac{35}{40} \times \frac{16}{60} \times 1000 \times 12 \right) = \text{Rs } 2800$$

or
£ 245 at
18th of the rupee

Serial
No

If the benefit of art 441 A CSR
(the article quoted is of the 3rd
edition & corresponds to art 404 of
the 4th edition) is extended to
Mr Denham his service under
myself, including the furlough
qualifying for pension & the
Concession Service of three years
under art 404 CSR wd be
16 years 11 months & 14 days
with the benefit of art 404
extended to him, Mr Denham's
pension would not be subject
to the restriction under art 478(a)
CSR (corresponding to art 341(a)
MSR) and the annual pension
would be,

$$\text{Rs } \left(\frac{16}{60} \times 1000 \times 12 \right) = \text{Rs } 3200$$

or £ 280 at
18h 9d the rate

Mr Denham claims not only
the benefit of art 404 CSR
& with it ^{the} exemption from
the operation of art 478(a) CSR
but also the concession allowed
in GO 87 2-1894 of counting

Serial
No

A

a period of three year's service under
the Mysore Govt for pension from
the revenues of Mysore If all
these concessions are shown his
total service would be 19^{year}, 11^{mo} + 14^{day}
& he wd get for it -

$$\frac{19}{60} \times 1000 \times 12 = \text{Rs } 3800 \text{ or}$$

$$\text{£ } 332 \frac{1}{2} \text{ at}$$

(sl 9d the rate)

The answers to the three
questions are as follows -

(1) If Mr D ~~retires~~ retires on the
date of his superannuation he
will have only a qualifying
service of 16 years 11 months
& 14 days

(2) Under the Mysore rules
he is entitled only to a
pension of Rs 2480 per annum

(3) Under the British rules
he is entitled only to a
pension of Rs 3200 per

(2)

(4) If the intention of Mysore Govt
was that Mr Denham should not
be a loser in any respect as regards
pension -

7

Serial
No

(B)

pension he would have to be given
3 years promised by Govt in lieu of Madras
service, three years extra added under
404 C S R, (Mr. Kraba told him
as Edl say that Mysore pension rules
were the same as British India C S R) and
no deduction should be made under
Art 341 M S R. In that case
pension would be as calculated at A
on last page -

Of course all furlough cannot be
taken as qualifying service in any
case as in Mr. Wren's calculation -

W

6/7/19

220 1281
8/7/07

(3) Circulated to Councilors
for opinion - The view taken
at (B) seems to be the proper view
to take, and balance £332-10 per
annum (Subject of course to Cor-
rection if necessary when the
case actually comes up for
final disposal) - 6 July 09

(4)

Circulated to Councilors

W

9/7/09

8

Serial
No

DO from the DG of Edn
(5)

DO No 4

OFFICE OF
THE INSPECTOR GENERAL OF EDUCATION
IN MYSORE

Bangalore 7 July 1909
My dear Sir

The file of papers relating
to Mr Dunham's appointment is
in the Secretariat, as all orders
& papers connected with them
upto June 1895 were returned
to the Secretariat when I was
appointed Inspector General. The
Order relating to Mr Dunham's
appointment is G.O. No 296-99
dated 17 Feb'y 1894

Article ~~341~~ 341 of the Mysore
Service Regulations relating to the
reduction of a superannuation
or invalid pension in the case
of officers who ^{have} entered service after
attaining the age of thirty years is
a reproduction of article 478
of chapter ~~IX~~ of the British Service
Regulations. The operation of article
341 was suspended in the case
of Mrs Rayapenel, & has been
suspended in the case of Mrs
Pallett who applied to the
Dewan to be exempted from the

8

Serial
No

(5)

Do from the 24 of Dec

operation of the article I submit
that the same concession may be
shown to Mr Denham

It will be seen that the same
deduction is made on British India
as in Mysore, unless an officer
is exempted

In the British Service Rules
for reckoning service" chap XVII,
Section 404 runs as follows

"In the case of officers who were in
the Education Department on 23rd July 1896
the following rule applies

For the purpose of calculating the
amount of pension ordinarily admiss-
ible to an officer, not being a Native
of India, whose qualifying service began
after 25 years of age, whose service

for which pension is claimed amounts
to not less than ten years, & has been
wholly in one or other of the following
offices, three years shall be added to
the qualifying service. —

- 1 Directors of Public Instruction
- 2 Inspectors of Schools
- 3 Principals & Professors of Colleges
- 4 Headmasters of Colleges &
High Schools

I do not know if Mr. Sankar
claims the advantage of this
section, & also exemption from
article 341 of the Mysore Service
regulations. His three years' service in
Madras was taken over by the Mysore Govt.
Yours sincerely

H. P. Sankar

D. Anand Rao Engineer
Deputy of Mysore

9

Serial
No

(6) Mr Bhabha's letter of
10th in a copy is sent up by
Mr Ven d 11 Jan 1894. Can-
not be traced in this office -
Edw in Bhabha. The statement
made therein - ^{that} the leave can-
ferred - rules me to + that
as to unauthorised officers
in British India - was made in
a private way in a d o letter
and cannot by any means be con-
sidered as binding the govern-
ment to applying in the case of
Mr Bhabha. It is a measure
an extraordinary measure - sent
(in a letter of 10th) of a well
known fact; and if the intention
was to make it a part of the
contract, it would have been em-
bodied in the S. making the
appointment, which was sub-
scribed by Bhabha on 7 Feb 1894.
The only privilege (outside the
ordinary rules) for the man
- now and then that Bhabha
should be asked to do
service. No lawyer done this.

P

Serial
No

Mr Denham if he had remained in the Madras service would have been entitled to the benefit of ^{the} rule in sec 404 C S Regulations and equity demands that he should not suffer by entering the Mysore service Section 404 C S R was apparently introduced long after Mr Denham left the Madras service and hence it could not have formed part of his contract with Mysore govt

P

The extra 3 years given to him in G O of 7 2 94 was in view of the Madras service which he forfeited

Mr Denham may be exempted from the operation of art 341 MS 2

1654
17709

1307
1677/09
17709

Serial
No

Urgent
for

(12
19709

8

Dear Mr Krishna Rao

Kindly see the record
Commissioner's note on this file (re Mr Denham's
husband) and come know for the Denham's
information (17) whether the wife of the CS
Reps' was introduced after Mr Denham
entered the house some time when
yrs sincerely
Matthan

Dear Mr Matthan,

Ref 404 appears to
have been introduced as an
addendum to the Second Copy of
CSR but as the Slip contain-
ing the addendum is not in

G R S 12]
General and Revenue
Secretariat

Serial
No

the copy of the book available for
 reference I can only say
 briefly when the article
 was introduced that
 it must have been after
 23 7 1896 as is evident
 from the article itself
 Mrs Denham entered
 the Mysore Service on
 1 3- 1895 - ie prior
 to the issue of the ruling
 in question. But had he
 continued in Mysore Service
 we would have got the
 benefit of the ruling as
 observed by the 1st Comptroller
 Yours sincerely
 Mrs Denham

Serial
No

(9) Mysore
Aug 2/09 (13)

Dear Mr. Mathan,

In reference to our
Conversation I have procured a
a copy of the Civil Leave Code
corrected up to December 1873
Section 61(a) page 35 shows that
the rule giving three years extra
service was in existence at that
date. It is highly improbable
that the rule was abolished
before I joined the Mysore Service
in 1894 & revised between 1894
& 1896 - when it was modified.

I hope you have
applied to Madras for the
information the Dewan requires
for it seems difficult for me to
get the exact information. Can
you let me know whether anything

G R S 12]
General and Revenue
Secretariat

Serial

P i pms pms

13

(14) 14

IAT

has been done in my case

Yours sincerely

3

Thomas Deaneham

Extract from the Civil Service Code
corrected up to Dec^r 1873

Page 35 Section 61 - In the following
cases certain privileges exist in
respect of the length of service
required for pension, -

a- To the following Officers pensioners
admissible after three years' less
service than is required from other
officers, provided that they have
begun service after twenty-five
years of age

- (1) Director of Public Instruction
- (2) Inspectors of Schools
- (3) Principals & Professors of Colleges
- (4) Head Masters of Schools & Colleges
- (5) Barristers-at-law &c

To entitle an Officer to the
benefit of this rule the whole of the
service in respect of which pension
is claimed, must have been passed
in one or the other of the offices
indicated

C. 11
7-6

(116) 14

GENERAL AND REVENUE SECRETARIAT

Council Matter

SUBJ

CIRCULATED TO COUNCILLORS

By Order

92 JUL 7 1909

C. S. Balasubrahmanyan
Offg. Secretary to Govt

12/10 H. I. Puttanna Chetty Esq
Esq

seen by the 1st Comm-roller

Specimen recorded

15 15

CRS 11

GENERAL AND REVENUE SECRETARIAT

I copy letter
 cases closed in
 the month of
 July 1902
 15th Aug 1902

Question of the amount of pension payable to

Subject— Mr T Denham in case he retires on the date of super-
 annuation

	Date	Initial of Officer in nself or responsible Deputy
Received in the Secretariat		
Submitted to Secretary		
Submitted by Secretary to Dewan or Councillor in charge		
Returned to Secretary		
Circulated by Secretary for Council	9 7 09	
Forwarded by Councillor		
Forwarded by Councillor		
Received in Secretariat		
Considered in Council		
Submitted to the Dewan	17 7-09	
Submitted to His Highness	28 8 09	
Orders passed by His Highness		
Final Orders issued		
Circulated to Councillors		
Passed on by the Councillor		
Returned to Secretary by Councillor		

(8)

46

Submitted to His Highness

In view of Mr Denham's health not being very satisfactory he contemplates taking furlough for one year from or after the 25th September, and as there is a possibility of his having to extend the furlough up to the date on which he completes 55 years of age (23rd April 1911), the question of the pension he would be entitled to has been raised

2 If he takes furlough from the 25th September and retires on the date of superannuation, his total qualifying service for pension would be 14 years 1 month and 23 days To this has to be added his three years' service under the Madras Government, according to the promise made to him in the Government Order appointing him, No C 296-00 dated 7th February 1894 The total qualifying service would thus be 17 years 1 month and 23 days and the pension ordinarily admissible for this service is $\frac{17}{60}$ ths of average emoluments, i.e. $\frac{17}{60} \times 1000 \times 12 = \text{Rs } 3,400$ or £297-10-0 a year at the favourable rate of exchange (1 Rupee = 1s 9d)

RP

(17)

But this is subject to a deduction under Article 341

a) of the Mysore Service Regulations, as Mr Denham^s was over 30 years of age when he entered service He was in his 39th year when he entered Mysore service and the deduction should be 9/40ths, but if the 3 years' Madras service is allowed for, the deduction would be 6/40ths and the amount of pension admissible to him would be $\frac{34}{40} \times \frac{16}{60} \times 1000 \times 12 \text{ Rs} = \text{Rs } 2,890$ or £252-17-6 a year

3 Mr Denham however claims the benefit of Article 404 of the Civil Service Regulations under *which* which an addition of three years is made to the qualifying service of Europeans entering service after 25 years of age and employed as Principals or Professors of Colleges If the benefit of this Article is allowed, he will also be exempt under Note 4 to Article 478 of the Civil Service Regulations from the operation of the rule regarding deduction of pension in case of officers entering service after 30 years of age The claim to the benefit of these rules is based on a letter dated 11th January 1894 written by Mr Bhabha, who was then Education Secretary, to Mr Denham in which the following words occur I shall be very glad indeed if you can be induced to come here

The leave and pension rules are the same that apply to uncovenanted officers in British India"

4 The Financial Secretary says that "if the intention of the Mysore Government was that Mr Denham should not be a loser in any respect as regards pension he would have to be given 3 years promised by Government in lieu of Madras service, three years extra added under Article 401, Civil Service Regulations, and no deduction should be made under Article 341, Mysore Service Regulations" In that case the pension would amount to $\frac{20}{60} \times 1000 \times 12$ or Rs 4,000 = £350 at 1s 9d the rupee

5 The Second Councillor observes that Mr Bhacha's D O letter of the 11th January 1894 (copy of which is put up from the original which was received through Mr Weir and was returned to him) cannot be traced in the records of the Education Branch, that, "it cannot by any means be construed as binding Government to apply all the rules of British India" to Mr Denham and that if the intention was to make it a part of the contract it would have been embodied in the subsequent Government Order making the appointment He therefore thinks that strictly Mr Denham is entitled neither to the exemption from the operation

of Article 341, Mysore Service Regulations, nor to the concession given by Article 404, Civil Service Regulations, but he proposes that as a matter of grace and in accordance with precedents, Mr Denham may be exempted from the operation of Article 341, Mysore Service Regulations

6 The First Councillor says that Mr Denham, if he had remained in the Madras service would have been entitled to the benefit of the rule in Article 404, Civil Service Regulations, and that equity demands that he should not suffer by the transfer He also agrees to Mr Denham being exempted from the operation of Article 341, Mysore Service Regulations .

7 I am inclined to agree with the Second Councillor Mr Bhabha's letter cannot be regarded as binding the Government to apply to Mr Denham all the rules of British India The original of the letter is written on D O paper, but the printed letters "D O" at the top have been scored out, thus showing that it was not sent in Mr Bhabha's official capacity Besides the letter does not purport to have been written under instructions As observed by the Second Councillor "the statement made therein is that the leave and pension rules are the same that apply

to uncovenanted officers in British India - was made in a general way" and "was meant as an approximately correct statement (as no doubt it was, of a well-known fact") Mr Denham may or may not have then known the British rule of 3 years extra being added to the service, but he did not raise the point and we did not know^{it} On the other hand, he may not have known our rule of deduction of pension under Article 341, and we did not raise the point It seems to me therefore that an equitable decision would be to give Mr Denham the pension he would be entitled to, without any deduction under Article 341 of the Mysore Service Regulations, for his 13 years service in Mysore plus 3 years Madras service, but without the 3 years extra claimed under the Madras rules Thus he would get a pension of £297-10 a year as against £252-17-6 to which he is strictly entitled, and £350 claimed by him If approved, Mr Denham will be informed accordingly It may be noted that even thus he gets the following concessions -

- 1) 3 years of Madras service added on,
- 2) No deduction under Article 341,
- 3) Favourable rate of exchange

8 This is eminently a case which illustrates the necessity for the rule contained in Article 497

(24)

of the Mysore Service Regulations which lays down that
as a rule Government cannot pass orders on ^{questions} affecting
the pension of an officer until he actually retires,
and the foregoing reply to Mr Denham may be made con-
ditional on his extending his furlough up to the date
of his superannuation and retiring on that date If
he does not agree to this, he may be informed that
the question will have to remain open until he actual-
ly retires

be

J. M. A. R.

28 Aug 1911

22

(9)

Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject

288-0
441

Question of the amount of pension
payable to Mr Denham in case he re-
tires on the date of superannuation

(10)

164

423
29 09

Order

I agree with the Dewan that it
will be equitable to give Mr Denham a
pension for 13 years service in Mysore
plus 3 years Madras Service without any
deduction under Art 341 of the Mysore
Service Regulations - that is to say a
Pension of £ 297-10-0 a year Mr Denham
may be informed accordingly, the reply being
made conditional on his extending his fur-
lough until the age of 55 and retiring
then

~~KRAW~~
31/8/09

reunited
31/9/09

31/9/9

Secy
than rest
for appl
The
25/9/09
25/9/09

Serial
No 2

From the Gf of Gd
No 2664/170 D 2/9/09
Submits an application for
9 months furlough on behalf of
Mr T Dewham from 25-9-09.

(11) Secy's order

Please put this up along
with the file received yesterday
with H's orders

(Intd) KSC
27/9/09

Serial
No

12

Draft - non for subd

~~12~~
3/9 - 4/3/9

(13) Dewan through 2nd

31/9/09

(25)

Serial
No

(14) Three drafts are submitted
in connection with ~~the~~ orders on
the file below re Mr Denham's
appln for full pay, acting and ad-
ments, ^{by pension} ^{file} they may be appd.

Dewan Mr DW

[Signature]

(15) Please see ~~in~~ amendment in
Pencil in the draft about pension
It would perhaps be better to send
this as a d-o letter though if the
Dewan prefers, I have no objection
to going as a d-o letter. The
other two drafts are all right

7/9/9

[Signature]

(16) Of the 3 drafts put up, the
Notification was issued the day
before yesterday. The other two
drafts have been approved by the
Dewan and ^{they} may ^{now} issue

[Signature]

10/9/99

(17) Detach ^{copy} papers, & send the drafts to me

x Detached
The contents of 175
11/5/9

Serial
No

with the file re: pension to Mr. Deham

(18)

Issue today of number

82

1119109

1119109

27

Serial
No

3

To the Compiler Mysore-Gaz
for publication in his Gazette

Notifn No 2302 of 8/9/09

Notifies the grant of ~~privilege~~
furlough for 9 months to Mr Deekham
from the 25th Sept 09 and appoints
Mr C. R. Reddy ~~for~~ M A (Cantab)
to act as Prof of History in the
Maharajah's College, Mysore during
the absence of Mr Deekham or until
further orders

No 2303 of 8/9/09

Copy to 29 Edn - with the remarks
that Mr Reddy will be placed in the A 11
Grade starting ^{on} with 550 Rs + Contd
to be subj to the probationary term
prescribed in go no 4065/Edn 127-08
dated 24-11-08

Copy to the Compiler
No 2304 of 8/9/09 -

(285)

Serial
No

4

The 29 of Nov, in Deukam, & the
Comptroller No 2579-21
dated 13 9 09

States that he will get a pension
of Rs 297-10-0 a yr enjoying the
benefit of ^{the} concessions (1) inclusion
of 3 yrs ^{British} Service Madras Service (2)
No deductions under art 241 M.S.N.
& (3) favourable rate of ex change

Adds that the decision has
to be verified by the Comptroller
when the pension papers are
prepared

GRS 27]

GENERAL AND REVENUE
SECRETARIAT

(Continuation Sheet of 1st form)

(19)

Sir,
Dear Mr Denham,

With reference to your letter of 13 Augt 09 to the Dewan regarding your leave re, I am desired to say that orders have been passed sanctioning 9 months furlough to you from the 25 Sept. or ~~other day~~ from which you may avail yourself ~~of the same~~. Separate orders have also been passed in regard to the amount of the pension you would be entitled to in case you extend your furlough & retire on completing 55 years of age on the 23 April 1911

In regard to the ~~principals-~~ ship the request contained in your letter ~~in reg~~ about the principalship of the College in the event of Mr Wen being transferred,

1111
1879
Compd *AM*
MGCB-11000-10
1909 9.12

I am directed to say that
much will depend upon
your own state of health
and fitness for the administrative
duties of a principal, and that
we will be glad to offer you
the principalship if your health
should eventually permit of your
taking up the post of ^{Justice}
to it. It will be very much
disappointed if they find themselves
unable to offer you the principalship
or you should find yourself unable
to accept such an offer. In any
case, it is the intention of the
to make only local temporary.

In conclusion, I am to
express the hope that your
going home on leave will effect
soon restore you to health &
that you will be able to return
to duty in due course.

Yours sincerely

W. W. G.
Secy

all that can be
said is that Cook
will be glad to offer
you the Principalship
if your health
should eventually
permit of your
taking up the
post and
doing justice
to it.

7
J. B.
10/10

H. W. G.

483
219

Very Urgent
 OFFICE OF
 THE INSPECTOR GENERAL OF EDUCATION
 IN MYSORE
16 Sept 1909
1965

Dear Mr ChandraSekhara Esq,

With reference to the
 furlough granted to Mr Dunham
 for 9 months from the 25th instant
 by Order No 2302 dated
 25-7-09.

8 Sept 1909, Mr Dunham is
 most anxious to leave Mysore
 on the 7th October. Mr Dunham's
 letter on the subject I beg
 to enclose herewith. They
 wish to engage their passage

by the steamer leaving Bombay
on the 9th October They would be
very thankful if the furlough
could be made to commence
from the 7th October instead
of the 25th September

I am sorry to trouble you
about the matter, but the Dur-
hams have been repeatedly
urging for this favour I
request that Government may
be pleased to kindly grant
them this favour

Yours sincerely
H J Ponappa
R S Chandrasekhara Aiyar Esq B2 B2

1945
13 31

Serial
No

In Mr. D. O. D. 16th
Sept 1903 requesting that Mr.
Denham may be permitted to avail
himself of the furlough granted to
him, with effect from the 15th Oct
1903.

(20) Reference put up.
There seems no objection
to the permission asked for being
given.
D. O. D. 16th 1903

1903

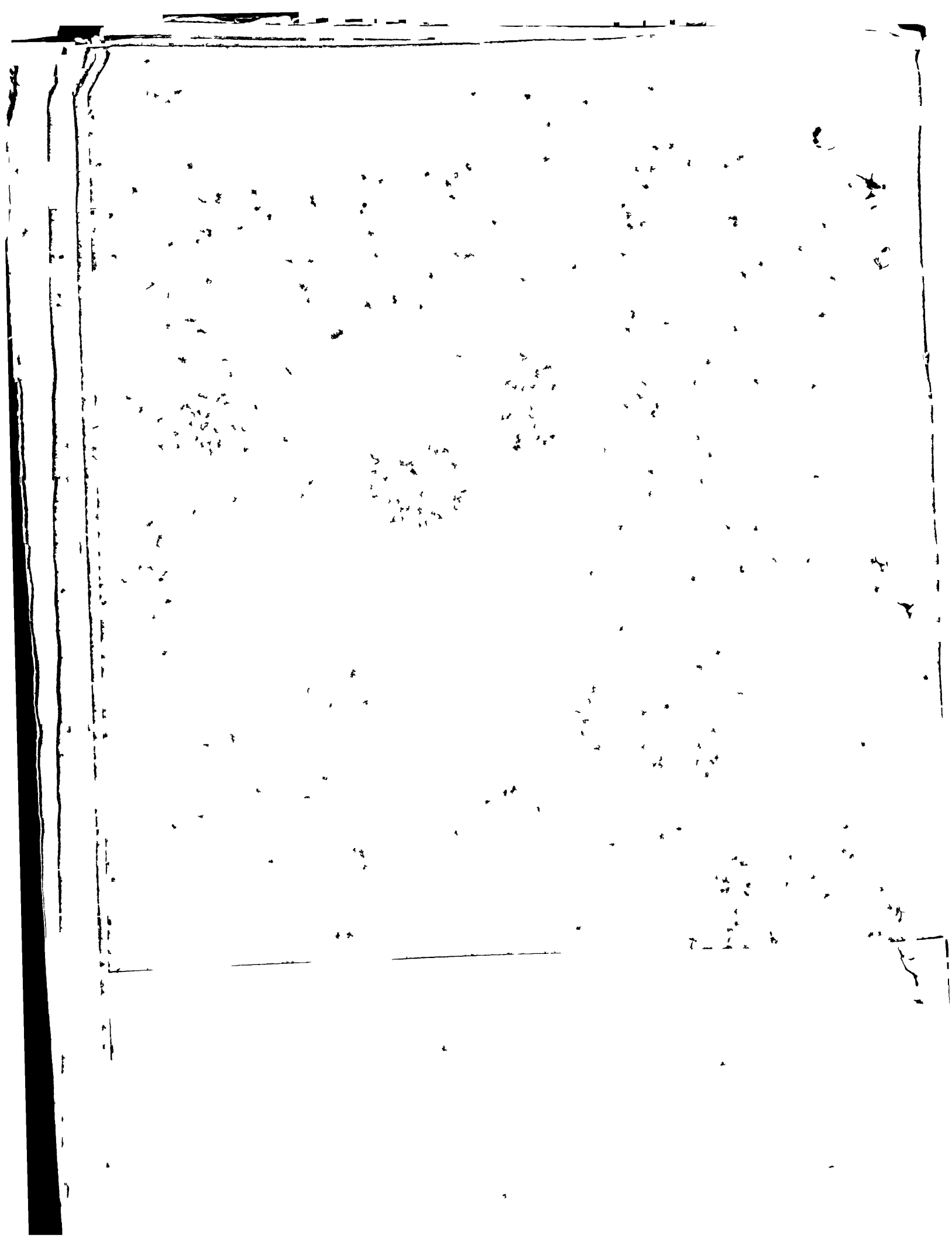
[Signature]
16/9/03

(21) The date 25th September was fixed
on Mr. Denham's own deliberate request
and arrangements have been made
accordingly. I am very sorry that
under the circumstances it is
inconvenient to be altering dates in
the manner proposed.

(22) Done. Do put up.
(23) Issued & copy retained.
[Signature]
16/9/03

100

P. J. O.



Wrsen

32

G R S

16th Sept 09

Dear Mr Piliakka

Yours of this
date enclosing a letter
from Mrs Denham (Herewith
returned)

I am desired to state
in reply, that the 25th Sept
09 was fixed on Mr
Denham's own deliberate
request and that arrange-
ments have been ordered
accordingly. We are
very sorry that under
the circumstances it is
inconvenient to be
altering dates in the
manner proposed

Yours truly

(Sd) K S Chandrasekhara
Jr

Serial
No

NOTE—Contn sheet

(26)

Submitted to Mr. C. V. for perusal

(25)

Seen

GPB-50 000-13 5 08

(26)

Real
22/9/9

25/9/9
20/9/9

Nr 106 $\frac{1}{2}$

Maharaja's College
Mysore

July 4th 1909

Ed 76-09 - (H)
Sl 1

Dear Sir,

The question about Mr. Senham's pension
is as follows -

With a view to possible contingencies in
the event of a break-down later in the year,
he wrote during the May holidays to the Comptroller
and asked how much furlough was due to him
He was informed that he could take two years

As he would complete his fifty-fifth year
within that period he wrote and asked what his
pension would be and in reply was referred to
§ 498 of the regulations

On his return to Mysore he mentioned
the matter to me and I looked it out for him
Assuming that he serves till the 16th July inclusive

2

and then takes *furongon* till he retires at 55
I made out that he will have completed 19 years
qualifying service and be entitled to a maximum
pension of Rs 3800 per annum (§ 3408) But
under § 341 this must be diminished by $\frac{5}{40}$ ths
as his qualifying service began some months
after he had attained the age of 34. This reduces
the pension to Rs 3325

Mr. Durham however claims the benefit of
§ 441 A of the British rules, which is not embodied
in the Mysore rules. If this is conceded it will
add three years to his qualifying service, making
his pension Rs 4400 and under § 521 (a) Note 5
British rules, there will be no reduction in his case.
Assuming these calculations to be correct it is
a question of £ 290-18-9 or £ 385 a year —
a matter of some importance to him.

His claim is based upon a letter written to him³ in 1894 before he joined the Mysore service, by the Education Secretary. Thus I enclose along with Mr. Denham's forwarding letter.

As a matter of fact the Mysore rules regarding leave and pension were not at all the same as those of British India in 1894 when this letter was written. The present Chap. XIV of the Mysore Rules which embodies some of the British rules about leave was not added till 1900, and Mr. Denham was not originally included among the officers to whom the rules in this chapter are applicable. See No $\frac{7632-71}{8d 270}$ Bangalore 3100.

As regards pension so far as I know this is the first time that this phase of the question has been raised.

I think it would be advisable to ascertain from the Comptroller (1) How soon can Mr. Denham

4
Take full length with a view to retiring at 55
with 19 years qualifying service (2) What would
be his pension under the Mysore rules and (3)
What would be his pension under the British
rules

Yours sincerely
J Weir

T. Anandakao Esq B.A.
Dewan

Born 23 April 1856
23 April 1911

DO

2

Myson

July 14/09

5

Dear Weir

In reference to our
Conversation regarding my Pension,
I may let you know that the
Comptroller when I applied to
him asking how many years I
had served eligible for pension
replied that he could not give the
information. The circumstances in
my case are peculiar and it is
highly desirable that I should
have the information with a view
to my future movements and
plans. Accordingly I should be
much obliged if you could use
your influence to procure the
necessary fact for me. As you
know, my health has been
indifferent for the last twelve
months and I have been
contemplating taking long

forwarded with a view to my possible retirement at the end of it. It thus becomes necessary that I should know now what pension will be due to me.

You will remember that I entered the Mysore Service from the Madras Service, and as you will see from the enclosed letter of the Education Secretary I was distinctly understood that the Leave & Pension Rules of the British Indian Service were to apply to me. Under Section 144 of those Rules three years are to be added to the service of those who enter after the age of 25. I think that this fact ought to be brought into consideration when the matter is settled.

Yours truly,
Thomas Denham

(sic) ~~88~~

Office of the Secy to the
Govt of Mysore Edn Dept^{ts}
Bangalore 11th Jan'y 1894

Dear Sir,

I am glad to hear from
Mr Sathianadham that there
is a possibility of your coming
to Mysore if matters can be
arranged satisfactorily. The
Dewan is expected to return
from his tour tomorrow.
I will take an early
opportunity of talking to
him on the subject and
let you know his decision.
I shall be very glad indeed
if you can be induced
to come here. The Leave
and Pension Rules are the
same that apply to un-
covenanted officers in
British India. In the case
of Mr Cook however the
Dewan granted him more
furlough than he was entitled
to

6

to according to the rules
The Mysore Government
does not give the Exchange
Compensation allowance
as part of pay, but permits
any of its servants to remit
money to England at the
rate of 1s 6d per rupee
up to the maximum limit
of half the salary of the
Officer remitting. I think
You will like the Mysore
Climate and work in this
department. I have received
the printed copies of your
testimonials as well as
your note to Mr. Sathyanadhan.
I return the newspaper
extracts in case you
may want them again.

Ys truly

Sd H J Bhabha

J Denham Esq

Cy

11/2/9
1608 1909
FROM

H P Bhattha Esq in a
INSPECTOR GENERAL OF EDUCATION
IN MYSORE

To

11/2/9
K S Chandrasekhara Esq in a Esq B A B L

THE SECRETARY TO THE

GOVT OF MYSORE

Genl & Rev DEPT

Dated 29 09

Ed 7609-2

Despatched

Received

General No 2464
No 170

Enclosure No 1

Undersigned has the honor to submit
an Application for Leave, on behalf of:
M^r J Denham in a Professor of
History, Maharaja's College, Mysore

the particulars of which are given overleaf

Applicant has recorded the declaration
prescribed in Section 442 of the
Mysore Service Regulations

H P Bhattha

Inspector General

Kd

To be omitted in cases other than privilege leave

10

APPLICATION FOR LEAVE

- 1 Name of applicant *Det. T. Demhoun et al.*
- 2 Rank, salary or other allowances *Inspector, temporary, attached to the College, Mysore from 1-6-04*
- 3 District and station *Mysore*
- 4 Nature of leave applied for and section of the Service Rules to which it is applicable *Leave for 4 months under Section 221 & 221-b*
- 5 From what date *From 25 September 1904*
- 6 No. and date of Comptroller's certificate in support of the title to the leave, with period and nature of the leave certified to *No. 231 of 1-6-04 certifying that Det. Demhoun is entitled to 4 months leave from 1-6-04 (Certificate herewith enclosed)*
- 7 Arrangements proposed for conduct of applicant's duties during his absence, and qualifications of the proposed officer *Will be proposed later on*
- 8 Other remarks, if any, such as necessity, urgency, etc. *-*

11

COMPTROLLERS OFFICE

Finl

BANGALORE

No 23/

Dated 1 June 1907

Leave Certificate

Certified that *Mr Thomas Denham M.A.*

Professor of History Maharajas College Mysore

under the Mysore Government is entitled to *2 years furlough*
on 1/6/09

leave under Article *322 & 222 (b)* of the Mysore Service Regulations

Forwarded to the *Professor of History Maharajas*
College Mysore
with reference to his ~~decket~~ *DO* dated *27 May 1909*

T. Krishnamurthy

Asst Comptroller

MC

OFFICE NOTICE

Months Days

Leave at credit on

Leave since earned

Total

Deduct Casual Leave for

days granted in Notification

No

Net entitled to on the date of the certificate

Pls. let me know
the corrected file
18/9

at 2302 to 12
Edu 76-09-3
29/9/07
Notification

Under article 221
and 222(h) of the Mysa
Service Regulations, Mr
J Denham MA, Professor
of History in the
Maha Rajas College,
Mysa is granted
furlough for nine
months with effect
from the 25th Sep 07

2 Mr C Ramlinga
Reddy, MA (Cantab)
is appointed to act
as Professor in
the

13

The Maharaja's College,
Mysore during the
absence of Mr Deakam
on leave or until
further orders

By order

^{CSB}
Secretary

To the Compiler
Mysore Gazette

2303

Copy to I & of
Education with the
remark that (Mr Reddy
will be placed in the
All grade of educational
officers (Rs 400-50-700)
and

with effect from
date of joining the
Maharaja's college

Starting thereon
with 550

14

and continuing to be
subject of course to the
probationary term
prescribed in G O No
4865/2du 127-08 dated
24 Nov 08

W. H. S. A. M.

CSB
4/9
files
2304

Copy to the Comptroller

CSB
Secretary

GRS 28]

Ad 11-4-09-4-30 PM
1519
File No 2609
Serial No 4
8 3

Diary No of letter replied to-

Proceedings of the Government of H Highness
the Maharaja of Mysore

GENERAL AND REVENUE
SECRETARIAT
()

the

190

Date of issue 13 9 09
Signed by Mr. B. S. B. [Signature]
Paper under [Signature]

2579-21
Ed 7609-4
9/13 9 09

READ—

Correspondence ending
with letter no 2464-170 of 29-9-09
from the D-Gl of Education
forwarding an application
for furlough on behalf of
Mr. J. Denham, Professor of the
Maharaja's College Mysore

ORDER THEREON—

A notice will be issued separately
sanctioning the grant of furlough
to Mr. Denham with effect
from the 25th Sept 09 for
nine months with effect from
the 25th Sept 09 or other date
from which he may avail
himself of the same, and
the acting arrangements consequent
thereon.

SUBJECT

25.12.11 11:50 AM
3/12/11 11:50 AM
1909

Completed
1909-9-13
C.P. (CCU-11 0)

~~recd on~~
~~1st~~ ~~for~~ ~~ed~~ ~~calation will be separate~~

2. In of the possibility
of Mr having to extend
his 4 and finally
retiring from service on
the 23 April 1911 on completing
53 years of age; certain ~~matters~~
^{imp-rt} questions connected with
the pension he would be
entitled to ^{on retirement} have been
raised for the orders of Govt

Mr Denham entered the service
of the State on 1-3-1895 and in
the Govt order appointing him
Go C 296-99 dt 7 Feb 1894, it
was stated that Govt would
count three years of ~~Mr Denham's~~
his service under the Madras
Govt towards pension from the
Mysore State. If Mr Denham
takes furlough from the 25th Sept 09
and retires from service on the
23 April 1911, his qualifying

GRS 27]

GLNLPAT AND REVENUE
SECRETARIAT

(Continuation Sheet draft form)

at 1898 a rate

Inquire whether
he cannot have

2
17

service, including ^{the} three year service under the Madras foot referred to above, would be 17 years, 1 month & 23 days, and the pension ordinarily admissible for this service would be $\frac{17}{60} \times 1000 \times 12 = \text{Rs } 3400 \text{ a year}$ or £297-10-0 a year at the favourable rate of exchange of 1 Ru = 16-92, at which such pensions are payable in ~~rupees~~ But as Mr Denham was over 30 years of age when he entered ~~the~~ service, the pension is liable to reduction under art 341(a) of the Mysore Service Regns, and allowing for such reduction the pension admissible would be 2890 Rs or £252-17-6 a year. Mr Denham however ~~does~~ the ~~best~~ benefit of art 404 of the British Indian Civil Service Regulations under which an addition of three years' ~~service~~ is made to the qualifying service of Europeans entering service after the age of 25 years and employed as Principals or Professors of Colleges

18

The application of the Br. India C.S. Regs. ~~also~~ are
- The application of this ~~came~~ ^{and it}
- article ~~of~~ ^{the} carrier with it
- (under the British Indian C.S.
- Regs.) ~~for~~ ^{the an} exemption
- from the operation of the
- rule ~~was~~ corresponding to art
- 341(6) of the M.S. Regs., regarding
- the reduction of pension in the
- case of officers entering service
- after 30 years of age.
- ~~The~~ If the claim be allowed
- ~~the~~ his pension would amount to
- 400 Rs. a year or £350 per annum
- at 1s 9d the rupee.

It is however found
that the claim to the benefit
of these rules of the British
Indian Civil Service Regs.,
is ~~not~~ ^{only} based on a letter
of 11 Janr 1894 written by Mr
Bhabha, then Education Secretary
Govt., to Mr Denham, in which
it was stated that the leave
& pension rules were the same
that applied to uncovenanted
officers in British India.

Govt. observe that
the letter referred to was not
an official communication, ~~that~~
~~it was not~~ sent by Mr Bhabha
in his official capacity, and that

GENERAL AND REVENUE
SECRETARIAT

(Continuation Sheet d of form)

The statement made therein - that the leave & pension rules were the same that applied to uncovenanted officers in Br India - appears to have been made in a general way & ~~was~~ to have been meant as an approximately correct statement, as ~~is~~ no doubt it was, of a well-known fact

19 3
it did not purport to have been written under instructions. It cannot therefore be ^{regarded} ~~considered~~ as a binding the Govt to apply to Mr Denham all the rules of British India. If it was the intention of Govt to apply ^{the British India} ~~these~~ rules to Mr Denham as a part of the contract, ^{such intention} ~~it~~ would have been embodied in the Govt order of 7th Feb 1894 in which certain concessions promised to Mr Denham were specially mentioned.

In any case, the point has not explicitly raised at the time, nor on the other hand was the deduction of pension under art 341 & ~~was~~ explicitly ~~the~~ referred to

~~In~~ Taking all the Circ^s of the case into consideration Govt are of opinion that it will be equitable to give to Mr Denham the pension he would be entitled to, without any deduction under art 341 & ~~was~~

He will thus get the following concessions -

- 1) 3 years madras - service added on,
- 2) no deduction under art 34 / msh,
- 3) favourable rate of exchange @ 15 p the rupee.

~~As~~ As laid down in ~~Order~~ the rule contained in art 497 M.S.R., it is not the policy of Govt to ~~decide~~^{pass} orders on questions affecting the pension of an officer until he actually retires. ~~The~~ The decision regarding the amount of Mr Denham's pension arrived at in the preceding paragraph of this order will therefore be regarded as conditional on ~~Mr~~ Denham's his extending his furlough up to the date of his superannuation and retiring on that date. If, ^{however} Mr Denham ~~does not agree to this or if for any reason Mr Denham~~ the whole question of his pension will remain open until he actually retires.

separately for
at convenient
form chief again,

The calculations of ~~the~~ qualify my service and learn as it is possible.

GRS 27]

GENERAL AND REVENUE
SECRETARIAT

(Continuation Sheet of form)

Don't let here, the
handwritten to the
for a while
acting applo

R liable to be entered
to three years on
(satisfaction being given)

as contained in the preceding
paragraphs are provisional,
subject to confirmation of the
Comptroller when the personal papers
are prepared

[Handwritten signature]
W. Depue

[During Mr Denham's
leave absence on furlough
the following arrangements
will be made for the
Mr C Ramalinga Reddy Ma
will act as Professor of History
& Political Economy in the Maharaja's College
He will continue to be subject to the Comptroller as to
a probationary period of one year in the first instance
period already fixed for him in
Govt order no 4865-6-Edn 127-08 of
24 Nov 08 From the date of his
joining the Maharaja's college,
however, Mr Reddy will be placed
in the grade A II grade of Civil
Officers (420-50700) starting thereon
on Rs 550

[Handwritten signature]
Secy to Govt
Secy to Rtd Dept

To
The Secy of Edn
Mr J Denham

Through
The Principal Maharaja's College Mysore
Mr J Denham, Prof of History Maharaja's
College Mysore
The Comptroller.

Proceedings of the Government of the Maharaja

the Maharaja of Mysore

read -

Correspondence ending with letter No 2464-170 dated the 2nd September 1909 from the Inspector General of Education forwarding an application for furlough on behalf of Mr T Denham Professor of History Maharaja's College, Mysore

Order thereon No

Dated Bangalore, 13 September 1909

A notification will be issued separately sanctioning the grant of furlough to Mr Denham for nine months with effect from the 25th September 1909 and the acting arrangements consequent thereon

2 In view of the possibility of Mr Denham having to extend his furlough and finally retire from service on the 23rd April 1911 on completing 55 years of age, certain questions connected with the pension he would be entitled to on retirement have been raised for the orders of Government. Mr Denham entered the service of the State on the 1st March 1895, and in the Government Order appointing him, Govt Order No 296-99 dated the 7th February 1894, it was stated that Government

would count three years of his service under the Madras Government towards pension from the Mysore State. If Mr Denham takes furlough from the 25th September 1909 and retires from service on the 23rd April 1911, his qualifying service, including the three years' service under the Madras Government referred to above, would be 17 years, 1 month and 23 days, and the pension ordinarily admissible for this service would be $17/60 \times 1000 \times 12 = Rs\ 3400$ a year of £297-10-0 a year at the ~~1/1~~ favourable rate of exchange at 1/- 9 d a rupee. But as Mr Denham was over 30 years of age when he entered service the pension is liable to reduction under article 341(a) of the Mysore Service Regulations, and allowing for such reduction the pension admissible would be Rs 2890 or £252-17-6 a year.

Mr Denham however enquires whether he cannot benefit of Article 404 of the British Indian Civil Service regulations under which an addition of three years is made to the qualifying service of Europeans entering service after age of 25 years and employed as Principals or Professors of Colleges. The application of the British Indian Civil Service Regulations will carry with it an exemption from the operation of the rule corresponding to article 341(b) of the Mysore

regarding the reduction of pension

of officers entering service after 20 years of age

If the claim be allowed his pension would amount to

£350 per annum at 1st class the rules

It is however found that the claim to the benefit of these rules of the British Indian Civil Service Regulations, is only based on a letter dated the 11th January 1894 written by Mr. Bhabha, then Education Secretary to Government, to Mr. Denham, in which it was stated that the leave and pension rules were the same that applied to uncovenanted officers in British India.

Government observe that the letter referred to was not an official communication sent by Mr. Bhabha in his official capacity, and that it did not purport to have been written under instructions. It cannot therefore be regarded as binding the Government to apply to Mr. Denham all the rules of British India. The Statement made therein that the leave and pension rules were the same that applied to uncovenanted officers in British India appears to have been made in a general way and to have been meant as an approximately correct statement, as no doubt it was, of a well known fact. If it was the intention of Government to apply the British Indian rules to Mr. Denham as a part of the contract, such an intention would have been embodied in the Government Order of 7th February 1894 in which

certain concessions promised to Mr Denham were specially mentioned

In any case, the point was not explicitly raised at the time, nor on the other hand was the reduction of pension under article 341, Mysore Service Regulations explicitly referred to.

Taking all the circumstances of the case into consideration Government are of opinion that it will be equitable to

to Mr Denham the pension he would be entitled to, without deduction under Article 341 Mysore Service Regulations for his 10 years' service in Mysore plus 3 years Madras service, but without the three years extra claimed under the British Indian rules. He will thus get a pension of £297-10s a year enjoying the benefit of the following concessions -

- 1 3 years Madras service added on,
- 2 No deduction under Article 341, Mysore Service Regulations
- 3 Favourable rate of exchange @ 1s-9d the rupee

As laid down in the rule contained in Article 497, Mysore Service Regulations, it is not the policy of Government to pass orders on questions affecting the pension of an officer until he actually retires. The decision regarding the amount

Mr Denham's pension arrived at

2

of this order will therefore be regarded as conditional on his extending his furlough up to the date of his superannuation and retiring on that date. If however Mr Denham finds it convenient to join duty again, the whole question of his pension will remain open until he actually retires.

The calculations of qualifying service and pension admissible, as contained in the preceding paragraphs are provisional, subject to verification by the Comptroller when the pension papers are prepared.

To

CS Balasundaram
for Secretary to Govt
JMK 11/9

The Inspector General of Education in Mysore

Mr T Denham, Professor of History, Maharaja's College,
Mysore, through the Principal, Maharaja's College

The Comptroller, Mysore Government

M L

case

To the DE of Edu no 2303 of

Forwards copy of the above with the remarks that Mr. Reddy will be placed in the A-II grade of Edu Officer (Rs 400-50-700), starting remun on Rs 50, & continue to be subject of course to the probationary term, as in GO no 4865/Edu 127-Of of 24.11.8

To the Compt^y no 2304 of -

Forwards copy of the above

4 To the DE of Edu, Mr. Denham & the Compt^y no 2519-21 of 13.9.9

states that Mr. Denham will get a pension of Rs 12 per year enjoying the benefit of concessions (1) inclusion of 3 years Madras Service (2) no deductions under Art 341 in S.R. & (3) favourable rate of exchange, that the decision has to be verified by the Compt^y when the pension papers are prepared